

REMARKS

Applicants have studied the Final Office Action dated September 23, 2003, and have made amendments to a claim. Claim 14 has been amended. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Claims 1-7, 9 and 11-22 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner stated that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Particularly, the Examiner noted that the specification does not address the flexibility characteristic of the illuminating member. This rejection is respectfully traversed.

According to the Federal Circuit, to satisfy the description requirement of § 112, first paragraph, an application must contain sufficient disclosure, expressly or inherently, to make it clear to one skilled in the art that the inventor was in possession of the subject matter claimed. In re Eickmeyer, 202 USPQ 655, 662 (C.C.P.A. 1979). Furthermore, the Federal Circuit noted that under proper circumstances, drawings alone may provide a “written description” of an invention as required by § 112. Vas-Cath, Inc. v. Mahurkar, 19 USPQ 2d 1111, 1118 (Fed. Cir. 1991). If a person of ordinary skill in the art would have understood the invention to have been in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate written description requirement is met. In re Alton, 37 USPQ 2d 1578, 1584 (Fed. Cir. 1996).

In applying these rules to the present application, the applicants respectfully submit that the claims requiring that the invention comprise a flexible illuminating member are adequately and sufficiently described in the specification and drawings. Primarily, the inclusion of a backlight sheets in a mobile communication terminal connotes the use of electroluminescent (EL) lamps, which are known to one of ordinary skill in the art as having flexibility (e.g., see U.S. Patent No. 4,159,559, issued to Robinson). The EL lamp is essentially a capacitor structure with phosphor sandwiched between the electrodes. Application of an AC voltage generates a changing field within the phosphor which causes the phosphor to emit light. EL lamps are generally manufactured in sheets without a rigid support and are commonly used for manufacturing displays where thickness is a concern and flexibility is desired to facilitate

manufacturing (e.g., see <http://www.rogers-corp.com/durel/products.htm>). Devices such as mobile phones, pda's, calculators and watches utilize EL lamps for their flexibility and lack of thickness for backlighting (e.g., see www.lumintec.com)

For the aforementioned reasons, the term "backlight sheet" is used throughout the specification and figures in the present application. One skilled in the art of liquid crystal display (LCD) technology could make or use the invention with an illuminating member, as disclosed in the specification of the present application, from having knowledge that such members would include EL lamps as described above. Accordingly, sufficient enablement is provided in the specification for an illuminating member to be flexible.

Claims 1-5 and 9 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,445,373, issued to Yamamoto (hereinafter referred to as "the Yamamoto reference"). In particular, the Examiner states that the Yamamoto reference comprises at least one adhesion member (33) installed between the optical and illuminating members and extending along at least one edge of the peripheries of the optical and illuminating members, wherein the at least one adhesion member does not substantially extend to intersections of edges of the periphery of each of the optical and illuminating members. This rejection is respectfully traversed.

A proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

Claim 1 also recites an assembly comprising "at least one adhesion member installed between the optical and illuminating members and extending along at least one edge of the peripheries of the optical and illuminating members, wherein the at least one adhesion member does not substantially extend to intersections of edges of the periphery of each of the optical and illuminating members." However, claim 1 further recites an assembly comprising "a flexible illuminating member," such that the at least one adhesion member adheres at least one flexible member. Conversely, the adhesive tape in the Yamamoto reference, as described above and

shown in Figure 3, is applied to a rigid surface (the frame 25) to adhere the liquid crystal display 32, another rigid member.

As described above with respect to the rejection of claims under § 112, first paragraph, the illuminating member is stated to be flexible, as disclosed in the specification. The Yamamoto reference does not teach or describe the use of a flexible illuminating member. Therefore, the features and elements recited in claim 1 distinguish the present invention over the cited reference.

Claims 2-5 and amended claim 9 depend from amended claim 1 and should therefore be allowed for the reasons cited above. Claim 9 should be also be allowed on its own merits for the Yamamoto reference fails to disclose or provides any indication of the adhesive tape extending beyond the periphery of either the optical or illuminating members.

Claims 6, 7, 19-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Yamamoto reference as applied to claims 1-5 and 9. Claims 6 and 7 depend from amended claim 1, which is distinguished from the Yamamoto reference as stated above. Therefore, claims 6 and 7 should be deemed allowable. Claims 19 and 20 reflect the aforementioned feature of the “illuminating member” as a “backlight sheet” that is flexible. There is no suggestion in the cited reference of an assembly of a liquid crystal display in the direction of the present invention, *i.e.*, the inclusion of a flexible illuminating member. Therefore, claims 19 and 20, and claims 21 and 22 which depend from amended claim 20, distinguish over the Yamamoto reference as applied to claims 1-5 and 9.

Claims 11-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Yamamoto reference in view of applicants’ admitted prior art (AAPA). The combination of the Yamamoto reference with the AAPA does not describe or suggests the invention recited in claim 11. As stated above, claim 1 recites in part “a liquid crystal display assembly comprising: ... a flexible illuminating member.” Claim 11 recites a mobile communication terminal utilizing the assembly recited in claim 1, wherein the illuminating member is flexible. The Yamamoto reference, alone or in combination with the prior art, fails to teach or describe the advantages of mobile communication terminal which includes an LCD assembly having a flexible illuminating member. The Yamamoto reference describes the adhesion of two rigid members. Accordingly, claim 11, and claims 12-18 which depend therefrom, are patently distinct from the combination of references and should be deemed allowable.

Claim 14 was amended to include language consistent with independent claim 11. No new matter is introduced with this amendment.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,
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